

Exhibit 3

1 same as signal fingerprints?

2 A. They were not the same.

3 Q. Okay. And why are your signal abstracts
4 different from signal fingerprints?

5 A. Again, I think that was already
6 discussed during the claim construction, so I stand
7 by whatever the ruling in the claim construction
8 was.

9 Q. Well, I'm entitled to your factual
10 understanding as the inventor in this important case
11 what is the difference -- what is your understanding
12 as the inventor between signal abstracts and signal
13 fingerprints?

14 MR. GARTEISER: Objection, form.

15 A. Signal fingerprints cannot differentiate
16 between versions of the same data object. Signal
17 fingerprints cannot anticipate unknown works that
18 are introduced into the system. And signal
19 fingerprints allow you to replicate the original
20 signal without penalty. Those are the three key
21 points, and those are unchanged, and those will be
22 unchanged in what I'm -- in what you're asking me.

23 BY MR. RAMSEY:

24 Q. All right. So it's your position that
25 the prior art prior to your signal --

1 A. The references.

2 Q. So it's your contention that the prior
3 art prior to your signal abstracting patent were
4 unable to distinguish between versions of a
5 particular song, for example?

6 MR. GARTEISER: Objection, form.

7 A. Again, I consider what you're trying to
8 characterize as being a reference, not a prior art.
9 BY MR. RAMSEY:

10 Q. What do you mean by that? Why is what
11 I'm trying to characterize as a reference not prior
12 art?

13 A. Became it's incapable of carrying out
14 the three benefits of what a signal abstract does.

15 Q. So the three benefits, to be clear, that
16 characterize your signal abstracts are the ability
17 to differentiate versions, the ability to anticipate
18 unknown works, and the ability -- the ability to
19 replicate the original signal without penalty?

20 A. The ability to prevent the replication
21 of the original signal.

22 Q. What do you mean the ability -- your
23 abstracts prevent the ability to replicate the
24 original signal without penalty?

25 A. They're noninvertible.